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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Patel, et al.

Serial No.: 10/613,698

Filed: July 3, 2003

Attorney Docket No.: 03-40102-US

Examiner: Ghali, Isis A.D.

Group Art Unit: 1615

Title: **DELIVERY SYSTEM FOR
TOPICAL MEDICATIONS****INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)(3)**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified Applicant submits herewith three references, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. Form PTO-1449, attached hereto, lists the references of which Applicant is aware, and which may be material to the examination of this application. Copies of the three above-mentioned references are included with this document.

While the information cited in this Information Disclosure Statement may be "material" pursuant to 37 C.F.R. § 1.56, the filing of these references should not be construed to be an admission that any patent, publication or other information referred to herein is, or is considered to be, either "prior art" for this invention or otherwise material to the patentability of this invention as defined in 37 C.F.R. § 1.56(b).

EXPRESS MAIL CERTIFICATE (37 CFR 1.10)Express Mail Label No. EV 699485122 USDate of Deposit: December 10, 2007

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Laurie A. Drummond

Signature

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(b) exists.

The references contained in this Information Disclosure Statement were first cited by the European Patent Office in an Office Action dated October 26, 2007, which is not more than three months prior to the filing of this Information Disclosure Statement.

It is believed that this Information Disclosure Statement is being filed after the mailing date of the Final Office Action on the merits in the application and pursuant to 37 C.F.R. §1.97(d)(2) and (e)(1) and the \$180.00 fee for the filing of this Information Disclosure Statement is included on the attached PTO Form 2038.

The Commissioner is hereby authorized to charge any additional fees due or credit any over-payment associated with this application to Deposit Account No. 18-0586.

Respectfully submitted,



Tamara J. Yorita
Registration No. 53,813
Maryellen Feehery Hank
Registration No. 44,677
William J. McNichol, Jr.
Registration No. 31,179
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103
(215) 851-8100
(215) 851-1420
Attorneys for Applicant